

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT HUNTINGTON**

M.S.,

Plaintiff,

v.

Civil Action No. 3:23-cv-00046

**AMAZON.COM, INC.,
a Delaware Corporation,
AMAZON.COM SERVICES LLC,
a Delaware Limited Liability Company, and
JOHN DOE ENTITIES 1-10,**

Honorable Robert C. Chambers

Defendants.

DEFENDANTS' NOTICE OF NON-PARTY FAULT

Defendants, AMAZON.COM, Inc. and AMAZON.COM Services LLC (“Defendants” or “Amazon”), respectfully file this notice of non-party fault pursuant to W. Va. Code Ann. § 55-7-13d. This is a case arising out of injuries allegedly sustained by the minor plaintiff, M.S, who claims to have been surreptitiously recorded while undressed, by Darrel Wells, an adult in whose home she was residing at the time pursuant to a foreign exchange education program operated by Council for Educational Travel of America, Inc. Defendants come now to give notice that Darrel Wells and/or Council for Educational Travel of America, Inc. may be wholly or partially at fault. Mr. Wells is a criminal defendant in a pending prosecution in the Circuit Court of Cabell County, West Virginia, and both Mr. Wells and Council for Educational Travel of America, Inc. are defendants in a civil action brought by M.S., all of which arise out of the very same alleged acts of surreptitious recording upon which Plaintiff’s Complaint is based in the above-captioned civil action.

WHEREFORE, Amazon respectfully gives notice that Darrel Wells and/or Council for Educational Travel of America, Inc. may be partially or wholly at fault in this case.

Respectfully submitted this 25th day of January, 2024.

Prepared By:

/s/ Joseph M. Farrell, Jr.

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CERTIFICATE OF SERVICE

I, the undersigned counsel for Defendants, AMAZON.COM, Inc. and AMAZON.COM Services LLC, do hereby certify that the foregoing *Defendants' Notice of Non-Party Fault* has been filed with the Court on this 25th day of January, 2024, using the CM/ECF system, which will serve/send notification of such filing to the following CM/ECF counsel of record:

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